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HEAD QUARTERS, DEPARTMENT OF NEW MEXICO, }
SANTA FE, N. M., July 31st, 1862. }

GENERAL ORDERS, No. 70.

At a General Court Martial, which convened at Peralta, N. M., on the 2nd instant, pursuant to Special Orders No. 103, current series, from the Head Quarters, and of which Colonel C. Carson, 1st N. M. Volunteers, Lieutenant-Colonel Theodore H. Dodd, 2nd Colorado Volunteers, and Lieutenant-Colonel S. F. Tappan, 1st Colorado Volunteers, were Presidents, at different times—were tried:—

1.—Private Santos Sevada, 1st N. M. Volunteers.

Charge 1.—Disobedience of orders.

Charge 2.—Neglect of duty while on guard.

Plea—Not guilty.

FINDING.

The Court, after mature deliberation, finds the prisoner guilty as charged, and does therefore sentence him, Private Santos Levada, 1st N. N. Volunteers, "to be confined at hard labor, in charge of the guard, for thirty days, and to forfeit five(5) dollars of his monthly pay, for one month."

2.—Captain J. L. Hubbell, 1st N. M. Volunteers,

Charge 1.—Arbitrary and illegal conduct, prejudicial to good order and military discipline.

Charge 2.—Disobedience of orders.

Plea—Not guilty.

FINDING.

The Court, after mature deliberation, finds the prisoner 'not guilty,' and does therefore acquit him.

3.—Second Lieutenant Henry M. Holmes, 1st N. M. Volunteers. .

Charge 1.—Conduct to the prejudice of good order and military discipline .

Charge 2.—Conduct unbecoming an officer and a gentleman.

Additional Charge.—Conduct to the prejudice of good order and military discipline.

Plea.—Not guilty.

FINDING.

The Court, after mature deliberation, finds the accused as follows:—

Of the first charge—Guilty.

Of the second charge—Not guilty; but guilty of conduct to the prejudice of good order and military discipline, and of the additional charge, guilty, and does therefore sentence him, Henry M. Holmes, Second Lieutenant 1st N. M. Volunteers, “to be suspended from rank and pay, for one month, and to be kept under an arrest during that period, and to be reprimanded by the Department Commander in General Orders.”

4.—First Lieutenant John Lewis, 1st N. M. Volunteers.

Charge.—Violation of the 36th Article of War.

Plea.—Not guilty.

FINDING.

The Court, after mature deliberation, finds the prisoner not guilty, as charged, and does therefore acquit him.

5.—Private Juan Francis Blea, Co. F, 1st N. M. Volunteers.

Charge 1.—Disobedience of Orders.

Charge 2.—Violation of the 6th Article of War.

Plea.—Not guilty.

The Court, after mature deliberation, finds the prisoner as follows;—

Of the first charge—guilty.

Of the second charge—not guilty, but guilty of disrespectful conduct to his superior officer, and does therefore sentence him, Private Juan Francisco Blea, of Co. F, 1st N. M. Volunteers, “to be confined at hard labor in charge of the guard, having a ball and chain attached to his left leg, for thirty days.”

6.—Second Lieutenant Henry M. Holmes, 1st N. M. Volunteers.

Charge.—Conduct unbecoming an officer and a gentleman.

Plea.—Not guilty.

FINDING.

The Court, after mature deliberation, finds the accused guilty, as charged, and does therefore sentence him, Second Lieutenant Henry M. Holmes, 1st N. M. Volunteers, to be dismissed from the service of the United States.

7.—Musician Daniel Nolan, Co. A, 1st N. M. Volunteers.

Charge.—Conduct prejudicial to good order and military discipline.

Plea.—Not guilty.

FINDING.

The Court, after mature deliberation, finds the prisoner guilty, as charged, and does therefore sentence him, Musician Daniel Nolan, Co. A, 1st N. M. Volunteers, “to be confined, in charge of the guard, for one month, wearing a ball and chain, of twenty pounds weight, and to refund to Corporal James Graham the value of one pair of trousers.”

II.—The proceedings, findings, and sentences of the Court, in the cases of Privates Santos Sevada, Co. A, and Juan Francisco Blea, Co. F, 1st N. M. Volunteers, are approved, and the sentences will be duly executed.

The proceedings and findings of the Court, in the case of Captain J. L. Hubbell, 1st N. M. Volunteers, are approved, and Captain Hubbell is released from arrest and will resume his sword.

The proceedings, findings, and sentence of the Court, in the case of Second Lieutenant Henry M. Holmes, 1st N. M. Volunteers—case 3—are approved, and the sentence will be duly executed.

It is the duty of every officer who is honored with a commission in the service of the United States, to conduct himself in such a manner that his conduct shall, at all times, be above suspicion. The conduct of Lieutenant Holmes, in this case, was such as to bring grave suspicions upon himself and discredit upon the service.

The proceedings, findings, and sentence of the Court, in the case of Henry M. Holmes, of the 1st Regiment of N. M. Volunteers—case 6—are approved, and the sentence will be duly executed. He, accordingly, ceases to be an officer in the Volunteer service of the United States, from the date of this order.

The proceedings, and findings, of the Court, in the case of First Lieutenant John Lewis, of the 1st N. M. Volunteers, are approved, and Lieutenant Lewis will be released from arrest and resume his sword.

The proceedings of the Court, in the case of Musician Daniel Nolan, 1st N. M. Volunteers, having been submitted to the Commanding General, the following are his orders thereon:

It is fully proven in this case that the prisoner did steal from a member of the same company "one pair of trousers, and one pair of boots," and did dispose of them to his own advantage. Theft from a comrade, as tending to produce discord and disorder in a command, is always regarded as a military offence of the most serious character, and the refinement by which the Court has substituted "take" for "steal," in its finding upon the specification, is not appreciated by the Commanding General. With this exception, the proceedings, findings, and sentence of the Court are approved, and the sentence will be duly executed. At its expiration, Musician Daniel Nolan, of Co. A, 1st N. M. Volunteers, will be discharged from the

service of the United States, with disgrace.

III. The General Court Martial, of which Colonel C. Carson, 1st N. M. Volunteers, Lieutenant-Colonel Theodore H. Dodd, 2nd Colorado Volunteers, and Lieutenant-Colonel S. F. Tappan, 1st Colorado Volunteers, were Presidents, at different times, is dissolved.

IV. At a Military Commission, which convened at Peralta, N. M., on the 22nd inst., pursuant to Special Orders, No. 120, current series, from these Head Quarters, and of which Colonel C. Carson, 1st N. M. Volunteers, is President, was tried—

1.—Daniel Sullivan, an employée in the U. S. service.

Charge.—Assault with intent to kill.

Plea.—Not guilty.

FINDING.

The Court, after mature deliberation, finds the prisoner guilty, as charged, and does therefore sentence him, Daniel Sullivan, a citizen in the U. S. service, "to ten years' imprisonment, at hard labor, at such place as the General Commanding may designate."

V.—The proceedings, findings, and sentence of the Commission, in the foregoing case, are approved, but in consideration of some extenuating cir-

cumstances, as shown by the evidence, the sentence awarded Daniel Sullivan, an employe in the Quartermaster's Department, is mitigated to imprisonment at hard labor, for five years. Fort Union is designated as the place of confinement.

The Military Commission, of which Colonel C. Carson, 1st N. M. Volunteers, is President, is dissolved.

By order of Brigadier-General E. R. S. CANBY.

GURDEN CHAPIN,
Captain, 7th Infantry,
A. A. A. General.